

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DMYTRO KOVALENKO,

Plaintiff(s),

v.

EPIK HOLDINGS INC et al,

Defendant(s).

CASE NO. 2:22-cv-01578-TL

MINUTE ORDER

The following Minute Order is made at the direction of the Court, the Honorable Tana Lin, United States District Judge:

- (1) On November 4, 2022, Plaintiff initiated this action and filed a motion for a temporary restraining order (“TRO”) and preliminary injunction (the “Motion”).  
Dkt. No. 2.
- (2) Pursuant to Local Civil Rule (“LCR”) 65(b)(5), the adverse party to a motion for a TRO must “(1) file a notice indicating whether it plans to oppose the motion within twenty-four hours after service of the motion, and (2) file its response, if

any, within forty-eight hours after the motion is served.” As of 48 hours after the filing of the Motion, Defendants had filed neither a notice of intent to oppose nor a response to the Motion.

- (3) Accordingly, on November 7, the Court issued an order denying, without prejudice, Plaintiff’s request for a TRO based on Plaintiff’s failure to show that he had provided timely notice to Defendants or that he was entitled to an *ex parte* TRO. Dkt. No. 13 at 4–6. The Court re-noted the motion as to its request for a preliminary injunction for December 2, pursuant to LCR 7(d)(3). *Id.* at 6.
- (4) After issuing its order, the Court became aware that, just hours before, Defendants had appeared in the matter and filed a notice of intent to oppose the Motion. Dkt. Nos. 11, 12. Defendants represent that they do not believe they were properly served with the Motion. Dkt. No. 12 at 2.
- (5) Defendants’ appearance and notice of intent do not change the Court’s determination of the Motion. Plaintiff failed to follow the requirements of Federal Rule of Civil Procedure 65(b) and LCR 65(b), and his request for a TRO remains denied.

Dated this 8th day of November 2022.

Ravi Subramanian  
Clerk of the Court

s/ Kadya Peter  
Deputy Clerk